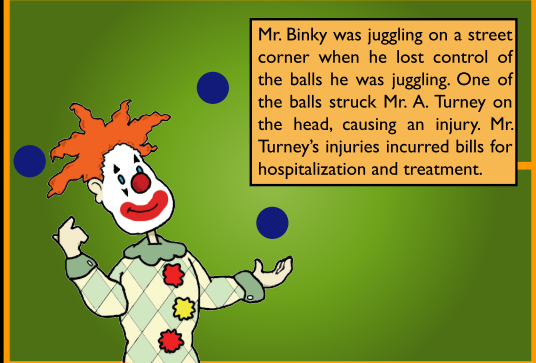
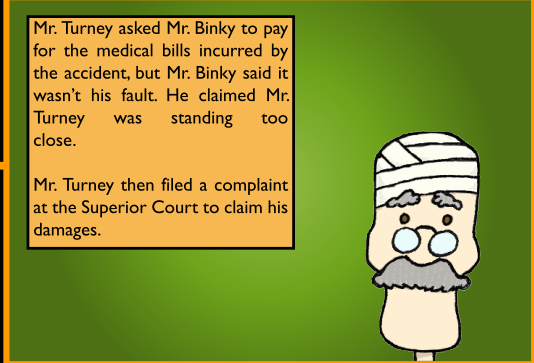


THE CIVIL CASE PROCESS IN A CALIFORNIA SUPERIOR COURT

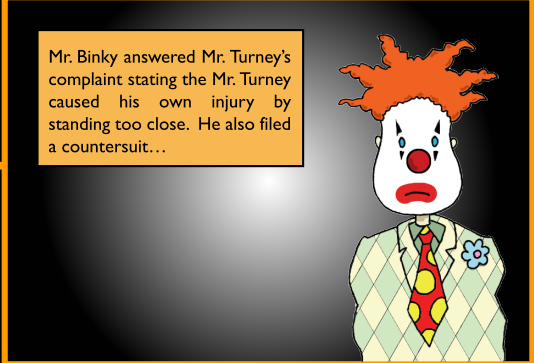
INSTIGATING ACTION



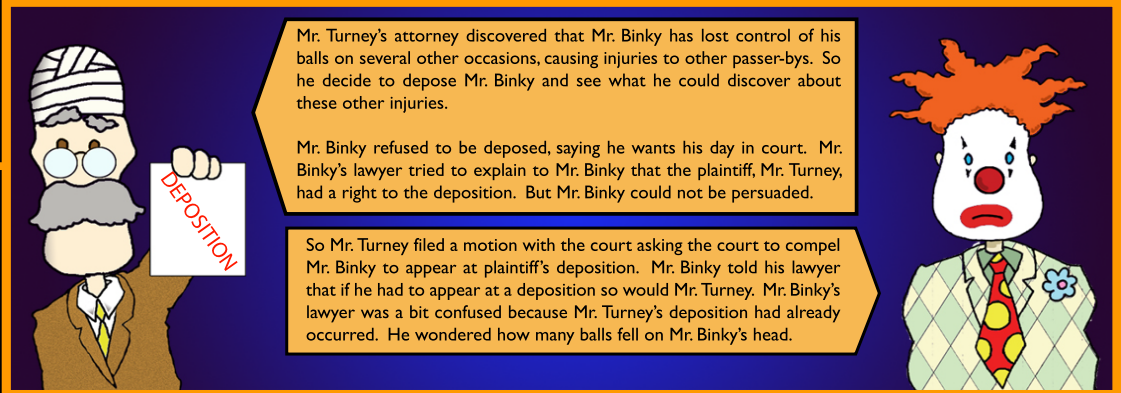
COMPLAINT FILED



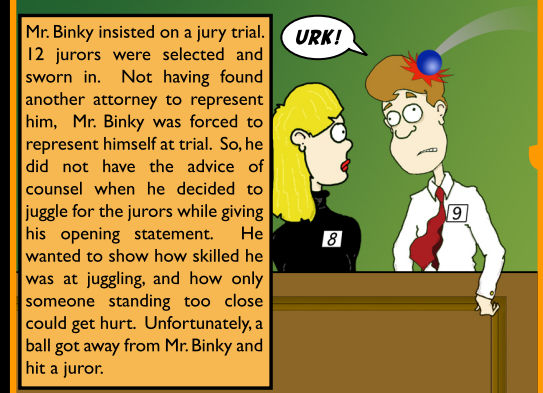
ANSWER FILED



DISCOVERY PROCEEDINGS



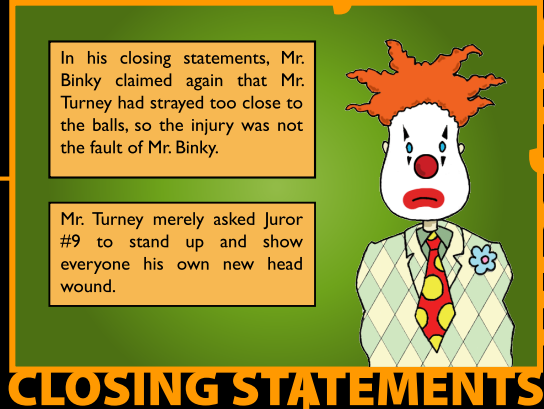
TRIAL BY JUDGE OR JURY



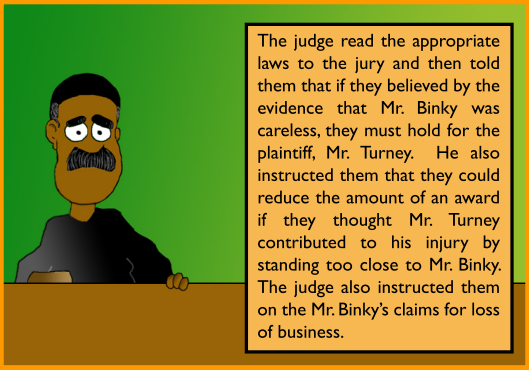
PLAINTIFF'S PRESENTATION OF EVIDENCE



TRIAL BY JUDGE OR JURY



JURY INSTRUCTED



DELIBERATIONS



VERDICT



DEFINITIONS OF THE CIVIL PROCESS IN A CALIFORNIA COURT

INSTIGATING ACTION

This is the action that happens that causes the damage; a car accident, injury or something else that causes a legal injury to one party.

COMPLAINT FILED

A complaint in civil cases is the legal document filed by the person claiming to be damaged, called the plaintiff, which states the facts and identifies the action the plaintiff wants the court to take. Damages concerns a loss or harm caused by injury to one's person or property.

ANSWER FILED

An answer is a legal document filed by the person the plaintiff believes caused him or her injury, (the defendant), and contains the defendant's denial of responsibility for the injury and/or affirmative defenses. Affirmative defenses are statements claiming justification or excuse for defendant's action that plaintiff believes caused injury.

These are hearings with a judge that occur before a trial where a variety of legal issues in dispute such as whether certain evidence should be admitted in trial or requests of the court to require that a party appear at a deposition are presented for determination and ruling.

MOTIONS FILED RELATED TO DISCOVERY MATTERS.
PRETRIAL PROCEEDINGS.

DISCOVERY PROCEEDINGS

Before a case goes to trial, each party engages in a fact-finding process called discovery. Discovery helps a party understand the other side's version of facts, what potential witnesses know, and other evidence. Sometimes the information learned in the discovery process helps the parties come to a settlement or resolution of the case before going to trial. The most common discovery processes are depositions and interrogatories. Depositions—a proceeding usually taking place in an attorney's office in which a potential witness for the trial or one of the parties is asked to answer questions about the case before a court reporter. Interrogatories—written questions sent by one party to the other for answering, in writing, under oath.

TRIAL BY JUDGE

Opening statements occur before the presentation of evidence at a trial. They provide the parties an opportunity to tell the judge or juror what they think the case is about and some of the evidence they will be presenting at trial to prove their case. These statements are not given under-oath and they are not subject to cross-examination.

OPENING STATEMENTS

WHAT IS A TRIAL?

In a civil case, a trial is a hearing at which the party who brings the action (plaintiff) must prove all the elements trial, also called a court or bench trial, is heard only by a judge; and 2) a jury trial is heard by 12 qualified citizens of the county where the trial is being heard.

VERDICT

The decision of the trial judge or jury that determines the final outcome, that is, is defendant responsible for the injuries to plaintiff, of the civil case.

Something granted or awarded by a Judge or other arbiter after a verdict that finds the defendant responsible for the injuries to plaintiff is called an award. An award might include reimbursement for the cost of medical bills or money to compensate plaintiff for pain and suffering.

PLAINTIFF'S

At trial, evidence is presented in a specific order. First, the plaintiff presents their evidence, which usually involves calling a witness to the stand to answer questions about the case. This is called direct examination. When the plaintiff is finished, the defendant is allowed to cross-examine the witness on the answers that they gave in the plaintiff's direct examination. The defendant is not allowed to ask new questions, only ask questions that clarify or expand on answers to questions already asked. After the cross-examination, the plaintiff can conduct a re-direct examination of his or her own witness if necessary to clarify or expand on any answers given in the cross-examination. When the plaintiff is done calling all his witnesses and presenting evidence, the defendant puts on his or her case. The same process for the plaintiff's presentation of evidence is followed for the defendant's presentation.

DEFENDANT'S

TRIAL BY JUDGE

Each party is allowed to address the judge or jury after all evidence is presented. Closing statements permit each party to summarize the evidence each presented and to make recommendations for a verdict. These statements are not subject to cross-examination. Sometimes, however, the plaintiff is given a final opportunity to reply to the closing statements of the defendant.

CLOSING STATEMENTS

JURY INSTRUCTED

After all the evidence in a case has been presented, the judge instructs the jury. The instructions cover such matters as the responsibilities of the jurors, how the jurors should evaluate the evidence, and laws and legal principles that apply to the case.

DELIBERATIONS

This is the process the jury goes through to reach a decision in the case. This occurs in a separate and private room after the evidence has been given and the jury is instructed by the judge. A decision of the jury is reached in civil matters when a majority of the jurors agree on the verdict.